

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

A MARIE WILSON,
Plaintiff,

v.

TOM-LIU FAMILY INVESTMENTS LLC,
Defendant.

Case No. 19-cv-05698-KAW

**ORDER GRANTING PLAINTIFF'S
APPLICATION TO PROCEED IN
FORMA PAUPERIS; REPORT AND
RECOMMENDATION TO DISMISS
CASE; ORDER REASSIGNING CASE
TO A DISTRICT JUDGE**

Re: Dkt. No. 6

On September 10, 2019, Plaintiff A Marie Wilson filed a “Complaint Request for Injunction” against Defendant Tom-Liu Family Investments LLC. (Compl., Dkt. No. 1.) Plaintiff alleged violations of the Federal Fair Housing Act, asserting that Defendant was trying to evict Plaintiff due to racial discrimination. (*See* Compl. at 3; Wilson Affidavit ¶ 4, Dkt. No. 3.) Plaintiff also filed an application to proceed in forma pauperis. (IFP App., Dkt. No. 2.)

On September 19, 2019, Plaintiff filed a “Request for Dismissal of Injunction,” stating that she “would like to file a motion to dissolve Injunction. Case No. 19-cv-05698 KAW.” (Dkt. No. 6.) The dismissal appeared to be based on Plaintiff having prevailed in state court on the eviction matter. (*Id.*, Exh. A.) On September 25, 2019, Plaintiff filed a declination to magistrate judge jurisdiction. (Dkt. No. 7.)


Accordingly, the Court GRANTS Plaintiff’s application to proceed in forma pauperis, and REASSIGNS the case to a district judge with the recommendation that the case be dismissed. Based on Plaintiff’s September 19, 2019 request for dismissal, it appears Plaintiff is attempting to dismiss the instant case, which she had filed as a “Complaint Request for Injunction.” The September 19, 2019 request dismissal also refers directly to the instant case, in requesting that the

1 injunction be “dissolve[d].” (Dkt. No. 6 at 1.) No injunction was issued, however, and Plaintiff
2 has now prevailed in the unlawful detainer action.

3 Any party may file objections to this report and recommendation with the district judge
4 within 14 days of being served with a copy. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); N.D.
5 Civil L.R. 72-3. The parties are advised that failure to file objections within the specified time
6 may waive the right to appeal the district court’s order. *IBEW Local 595 Trust Funds v. ACS*
7 *Controls Corp.*, No. C-10-5568, 2011 WL 1496056, at *3 (N.D. Cal. Apr. 20, 2011).

8 IT IS SO ORDERED.

9 Dated: October 7, 2019

10 
11 KANDIS A. WESTMORE
United States Magistrate Judge